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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 ROSS CORNELL

13 Plaintiff(s),

14 v.

15 OFFICE OF THE DISTRICT  
16 ATTORNEY, COUNTY OF  
RIVERSIDE, et al.

17 Defendant(s).  
18  
19

Case No. 5:22-cv-00789-JWH-SHK

**STANDING ORDER**

20  
21 **PLEASE READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE**  
22 **AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**  
23

- 24 • If this case was removed to this Court, then the removing Defendant is  
25 **DIRECTED** immediately to serve this Order on all other parties.  
26 • Otherwise, Plaintiff is **DIRECTED** immediately to serve this Order on all  
27 parties.  
28

1 This action has been assigned to the calendar of Judge John W. Holcomb.

2 The Court and the litigants bear joint responsibility for the progress of  
3 litigation in the Federal Courts. To secure the just, speedy, and inexpensive  
4 determination of every action, *see* Fed. R. Civ. P. 1, all counsel are hereby  
5 **ORDERED** to become familiar with the Federal Rules of Civil Procedure  
6 and the Local Rules of the Central District of California.

7 The Court further **ORDERS** as follows:

8 **1. Service of the Complaint.** Plaintiff shall serve the Complaint  
9 promptly in accordance with Rule 4 of the Federal Rules of Civil Procedure and  
10 shall file the proofs of service pursuant to L.R. 5-3.1.

11 **2. Removed Actions.** Any answers filed in state court must be re-filed  
12 in this Court, either as an exhibit to the Notice of Removal or as a separate filing.  
13 Any pending motions must be re-noticed in accordance with L.R. 6-1.

14 **3. Assignment to a Magistrate Judge.** Under 28 U.S.C. § 636, the  
15 parties may consent to have a Magistrate Judge preside over all proceedings. The  
16 Magistrate Judges who accept those designations are identified on the Central  
17 District's website, which also contains the consent form.

18 **4. Electronic Filing.** This Court uses an electronic filing system for  
19 documents. Information regarding the Court's Electronic Case Filing system is  
20 available on the Court's website at [www.cacd.uscourts.gov/cmecf](http://www.cacd.uscourts.gov/cmecf).

21 All documents required to be e-filed in this matter can be found in General  
22 Order No. 10-07 (as updated and amended) and L.R. 5-4. The Court  
23 specifically directs litigants to L.R. 5-4.3.1, requiring that all electronically filed  
24 documents be created by publishing the document to PDF, and not by scanning  
25 paper documents.

26 **5. Mandatory Chambers Copies.** All original filings are to be filed  
27 electronically pursuant to L.R. 5-4. The Court requires one (1) Mandatory  
28 Chambers Copy of ONLY the following filed documents:

1           a.     Civil matters: Motions and related documents (*e.g.*,  
2           oppositions, replies, exhibits); *ex parte* applications and related documents  
3           (*e.g.*, oppositions and exhibits); and Joint Rule 26(f) Reports;

4           b.     Criminal matters: All motions and related documents and  
5           exhibits; plea agreements(s); and sentencing memorandum and objections to  
6           the pre-sentence reports.

7     Mandatory Chambers Copies shall be delivered to the Courtesy Box, located  
8     outside of Courtroom 2 on the second floor of the United States District Court,  
9     3470 Twelfth Street, Riverside, California 92501, no later than 5:00 p.m. on the  
10    first court day following the e-filing. Alternatively, Counsel may transmit such  
11    conformed Mandatory Chambers Copies via FedEx, UPS, or other overnight  
12    service, for delivery no later than 5:00 p.m. on the first court day following the  
13    e-filing, addressed to the Chambers of Judge John W. Holcomb, U.S. District  
14    Court for the Central District of California, Courtroom 2, 3470 Twelfth Street,  
15    Riverside, CA 92501. All Mandatory Chambers Copies shall comply with the  
16    document formatting requirements of L.R. 11-3, *except for the blue-backing*  
17    *requirement of L.R. 11-4.1, which is hereby waived*. If the filing party and its  
18    counsel fail to deliver a Mandatory Chambers Copy in full compliance with this  
19    Order and L.R. 11-3, the Court may, on its own motion, reschedule any related  
20    hearing and impose sanctions.

21       **6. Proposed Orders.** Each party filing or opposing a motion or seeking  
22    the determination of any matter shall serve and electronically lodge a proposed  
23    order that sets forth the relief or action sought and a brief statement of the rationale  
24    for the decision with appropriate citations.

25       **7. Presence of Lead Counsel.** Lead trial counsel for each party must  
26    attend every status conference, scheduling conference, and pretrial conference set  
27    by the Court. Failure of lead trial counsel to appear for those proceedings is a  
28    basis for sanctions.

1       **8. Discovery.** All discovery matters have been referred to a United  
 2 States Magistrate Judge. The Magistrate Judge's initials follow the District  
 3 Judge's initials in the case number assigned to the matter. The words  
 4 "DISCOVERY MATTER" shall appear in the caption of all documents relating to  
 5 discovery to insure proper routing. Unless the assigned Magistrate Judge explicitly  
 6 waives the Mandatory Chambers Copy rule, Counsel shall deliver Mandatory  
 7 Chambers Copies of discovery-related papers to the assigned Magistrate Judge  
 8 (rather than to this Court).

9       **9. Motions - General Requirements.**

10       a. Time for Hearing Motions. Motions shall be filed and set for  
 11 hearing in accordance with L.R. 6-1. Motions will be heard on Fridays  
 12 commencing at 9:00 a.m. Any motion noticed for a holiday shall  
 13 automatically be set to the next Friday without further notice to the parties.

14       b. Length and Format of Motions. Memoranda of Points and  
 15 Authorities in support of or in opposition to motions shall not exceed 25  
 16 pages. Replies shall not exceed 12 pages. Only in rare instances, and for  
 17 good cause shown, will the Court grant an application to extend these page  
 18 limitations. When citing to legal databases, wherever possible cite to  
 19 Westlaw rather than Lexis.

20       c. Voluminous Materials. If documentary evidence in support of  
 21 or in opposition to a motion exceeds 50 pages, the evidence must be  
 22 separately bound and tabbed and include an index. If such evidence exceeds  
 23 200 pages, the documents shall be placed in a three-ring binder, with an  
 24 index and with each item of evidence separated by a tab divider.

25       d. Withdrawal of, or Non-Opposition to, Motions. In the event  
 26 that the parties resolve a pending motion, they must notify the Court  
 27 immediately. Sanctions may issue for failure to comply with this  
 28 requirement, or the broader requirement set forth in L.R. 7-16 that any party

1 who intends to withdraw a motion, not to oppose a motion, or to seek a  
 2 continuance of the hearing date for a motion, must notify the Court by  
 3 12:00 noon on the Tuesday preceding the hearing date.

4 **10. Amended Pleadings.** In addition to the requirements of L.R. 15, all  
 5 motions to amend pleadings shall (a) state the effect of the amendment; and  
 6 (b) identify the page(s), line number(s), and wording of any proposed change or  
 7 addition of material.

8 Parties amending their pleadings for whatever reason—including those  
 9 previously dismissed with leave to amend—*must* file a redlined copy (in PDF or  
 10 Microsoft Word) as a Notice of Revisions, comparing their amended pleading with  
 11 their previous pleading. An additional copy of the redlined pleading shall be  
 12 provided to Chambers by email at [JWH\\_Chambers@cacd.uscourts.gov](mailto:JWH_Chambers@cacd.uscourts.gov) on the  
 13 same day that the amended pleading is filed electronically. Handwritten pleadings  
 14 are the only exception. When handwritten pleadings are amended, the party shall  
 15 identify which paragraphs have been modified in a separate statement. This  
 16 paragraph applies equally to complaints, answers, cross-complaints, and  
 17 supplemental pleadings. Absent a showing of good cause, failure to comply with  
 18 this paragraph will result in the Court striking the amended pleading.

19 **11. Class Actions.** Notwithstanding L.R. 23-3, the deadline for the filing  
 20 of a motion for class certification will be set during the Scheduling Conference  
 21 and/or in a Scheduling Order. If the Court does not expressly set a separate  
 22 deadline for the filing of a motion for class certification, then such deadline shall  
 23 be the same as the deadline for filing dispositive motions. *No request for relief*  
 24 *from L.R. 23-3 is necessary.*

25 **12. Motions for Summary Judgment or Partial Summary Judgment.**  
 26 *This Court's procedures for summary judgment motions differ from those set*  
 27 *forth in Rule 56 and in this Court's Local Rules. Please read this paragraph*  
 28 *carefully and comply with it.*

No party may file more than one motion pursuant to Rule 56 of the Federal Rules of Civil Procedure regardless of whether such motion is denominated as a motion for summary judgment or summary adjudication.

**a. The Joint Exhibit**

Parties must consolidate any exhibits, affidavits, declarations, or other documents cited as evidence into a single document (the “Joint Exhibit”).<sup>1</sup> If the file is too large to upload as a single document, then the parties may break it into two or more files; *e.g.*, Joint Exhibit Part A, Joint Exhibit Part B, and so on. Whether in a single document or several, the Joint Exhibit should be consecutively paginated. For example, if the first document (Part A) starts at page 1 and ends at page 100, then the second document (Part B) should begin on page 101, and so on. A table of contents, if needed, should be submitted under separate cover.

A recommended format the parties may adopt when citing to the Joint Exhibit is “Joint Exhibit Part C at 250:3-7 (Deposition of Passenger B),” where:

- “Joint Exhibit Part C” indicates this evidence can be found in the third document (assuming here that the Joint Exhibit had to be broken up into multiple documents);<sup>2</sup>
- “250” represents the page number of the Joint Exhibit where the evidence can be found;
- “3-7” indicates that the evidence can be found on lines 3 through 7; and
- the parenthetical “Deposition of Passenger B” is a concise, descriptive title of the underlying source document or evidence being cited.

Parties offering evidence in support of, or in opposition to, a Rule 56 motion ***must*** cite to specific page and line numbers in depositions and paragraph numbers

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<sup>1</sup> The Court excludes non-evidentiary documents on the docket from this definition; *e.g.*, the complaint, the answer, prior motions, and past orders.

<sup>2</sup> If the documents and evidence of the Joint Exhibit can fit as one PDF, then there is no need for the suffix “Part A.” The parties would simply cite it as “Joint Exhibit at 250:3-7 (Deposition of Passenger B).”

1 in declarations and affidavits. If a line number or paragraph number is not available  
 2 (e.g., the citation is to a visual image or a handwritten note or some other document  
 3 without identifiable lines or paragraph numbers), only then will providing the page  
 4 number(s) suffice. Furthermore, such evidence must be authenticated properly.

5 The Court directs the parties to become familiar with *Orr v. Bank of America, NT &*  
 6 *SA*, 285 F.3d 764(9th Cir. 2002).

7 **b. Joint Statement of Undisputed Facts and Genuine Disputes**

8 The moving party's motion shall also be accompanied by a Joint Statement  
 9 of Undisputed Facts and Genuine Disputes (a "Joint Statement"). The parties  
 10 must cite to the Joint Statement in their respective briefs for any fact they wish to  
 11 identify as a material fact under Rule 56(a). In turn, the Joint Statement will cite  
 12 only to the Joint Exhibit. Citations found in the briefs to any individual exhibits or  
 13 the Joint Exhibit will be disregarded.

14 Prior to filing the motion, the parties shall meet and confer to complete that  
 15 Joint Statement. The Joint Statement shall be presented in a table format and shall  
 16 include the following columns:

- 17 • The first column shall contain the number of the fact alleged to be  
 18 undisputed.
- 19 • The second column shall name the party proposing the statement of fact (the  
 20 "Proponent").
- 21 • The third column shall contain a plain statement of the fact. ***Facts shall not***  
 22 ***be compound***. For instance, if the opposing party (the "Opponent") could  
 23 respond by asserting that the fact is disputed only ***in part***, then the fact is  
 24 compound. By meeting and conferring, the Court expects the parties to  
 25 resolve any instances where compound facts are "disputed in part" by  
 26 making those factual statements more granular, noting which elements are  
 27 disputed and which elements are not. Further, neither legal arguments nor  
 28 conclusions constitute facts.

- 1 • The fourth column shall contain a citation to admissible evidence that the

2 Proponent believes supports the proffered fact. If any party fails to provide a

3 pin cite to the supporting evidence, then the Court will deem the proffered

4 fact (or dispute) unsupported. *See generally Christian Legal Soc. v. Wu*, 626

5 F.3d 483, 488 (9th Cir. 2010) (“Judges are not like pigs, hunting for truffles

6 buried in briefs.” (quoting *Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir.

7 1994) (quoting *United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991)

8 (*per curiam*)) (alteration omitted))). As a rule of thumb, pin citations should

9 refer to no more than five pages at a time.
- 10 • The fifth column shall first identify whether the proffered statement of fact

11 is disputed or not. The entry must begin with either the word “Disputed”

12 or “Undisputed.” If disputed, the Opponent must concisely (1) identify

13 counter-evidence that contradicts or otherwise disputes the statement of

14 fact, with a brief explanation; or (2) make an evidentiary objection. Counter-

15 evidence must include a pin cite to the record (*i.e.*, a page number and, when

16 available, a line or paragraph number). If a party attempts to dispute a fact

17 but fails to offer any counter-evidence, or only offers counter-evidence that

18 falls short of contradicting the proffered fact, then the Court will deem the

19 fact undisputed for the purposes of the motion. *See Fed. R. Civ. P. 56(e)(2)*,

20 *L.R. 56-3*. Additionally, any evidentiary objection must cite a specific rule

21 and provide a short rationale or explanation. The Court will disregard

22 “boilerplate recitations of evidentiary principles or blanket objections

23 without analysis applied to specific items of evidence.” *Doe v. Starbucks,*

24 *Inc.*, 2009 WL 5183773, at \*1 (C.D. Cal. Dec. 18, 2009); *Amaretto Ranch*

25 *Breedables v. Ozimals Inc.*, 907 F. Supp. 2d 1080, 1081 (N.D. Cal. 2012)

26 (“This Court need not address boilerplate evidentiary objections that the

27 parties themselves deem unworthy of development.”). For example, simply

28 asserting that evidence is irrelevant or otherwise lacks foundation—without



any specific and tailored explanation *why*—will not constitute a proper evidentiary objection. *See Communities Actively Living Indep. & Free v. City of Los Angeles*, 2011 WL 4595993, at \*8 (C.D. Cal. Feb. 10, 2011)(summarily overruling boilerplate evidentiary objections when the grounds for the objections were unduly vague and overbroad). If the Opponent has multiple objections, then the Opponent should number them (1), (2), (3), and so on.

- In the final column, the Proponent may reply to any objections made by the Opponent. A reply is not strictly necessary. The Court will treat any fact as disputed only when (1) the Opponent objects as such; (2) the Court deems the counter-evidence admissible or the evidentiary objection credible; *and* (3) the Proponent offers no reply. If the Proponent chooses to respond, then the Proponent must also (a) identify evidence that rehabilitates its statement of fact or undermines the Opponent’s counterevidence; (b) make an evidentiary objection to the counterevidence, citing the specific evidentiary rule and providing a rationale; or (c) explain why the Opponent’s evidentiary objection is erroneous. Any further citations to the record must again include a pin cite. If the Opponent makes multiple objections, then the Proponent should reference the same number when providing a reply. If the Proponent has multiple replies to any given objection, then the Proponent should list them as (A), (B), (C), and so on.

Parties are advised to use Microsoft Excel, but they may use whichever program best facilitates legibility.<sup>3</sup> The moving party (or parties) must transmit a copy of the Joint Statement by email to [JWH\\_Chambers@cacd.uscourts.gov](mailto:JWH_Chambers@cacd.uscourts.gov) at the time they file their motion.

An illustrative example of the Joint Statement is set forth below:

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<sup>3</sup> If the parties choose to use Microsoft Excel, then they must not merge cells; they should use the alt enter function to create paragraph breaks within a single cell.

<u>No.</u>	<u>Proponent</u>	<u>Statement of Fact</u>	<u>Supporting Evidence</u>	<u>Opponent's Response</u>	<u>Proponent's Reply</u>
1.	Plaintiff	Plaintiff was driving her car when she went through the intersection.	Joint Exhibit Part A at 10, ¶ 2 (Pl.'s Decl.).	Undisputed.	
2.	Plaintiff	The light was green when Plaintiff went through the intersection.	Joint Exhibit Part A at 10, ¶ 4 (Pl.'s Decl.).	Disputed. The Light was red when Plaintiff traveled through the intersection. Joint Exhibit Part C at 253:3-11 (Def.'s Expert Report).	
3.	Plaintiff	Plaintiff was driving at 35 miles per hour when she traveled through the intersection.	Joint Exhibit Part A at 10, ¶ 7 (Pl.'s Decl.); Joint Exhibit Part B at 115, ¶ 14 (Report by Pl.'s Expert).	Disputed. Plaintiff was driving 52 miles per hour when she went through the intersection. Joint Exhibit Part C at 253:11-254:2 (Def.'s Expert Report).	
4.	Defendant	Passenger A shouted at Plaintiff to stop looking at her phone while she drove through the intersection.	Joint Exhibit Part C at 25:3-7 (Dep. of Passenger B).	Disputed. FRE 802: This statement is inadmissible hearsay because it is a statement, made by an out-of-court declarant (Passenger A), being offered to support the assertion that Plaintiff was looking at her phone while driving in the intersection.	FRE 803(2): This statement qualifies as a hearsay exception because it was an excited utterance that occurred moments before the crash.

<u>No.</u>	<u>Proponent</u>	<u>Statement of Fact</u>	<u>Supporting Evidence</u>	<u>Opponent's Response</u>	<u>Proponent's Reply</u>
5.	Defendant	Defendant is a good driver.	Joint Exhibit Part B at 118:23-28 (Dep of Def.'s Mother).	Disputed.  (1) Defendant is not a good driver. Defendant drove the wrong way on a one-way road as recently as a year ago. Joint Exhibit Part C at 204:4-25 (Decl. of Def.'s Friend).  (2) FRE 602, 701: The supporting evidence is inadmissible because the Defendant's mother lacks personal knowledge of Defendant's driving. She has not seen Defendant drive in two years. Joint Exhibit Part B at 117:10-12 (Dep. of Def.'s Mother).  (3) This statement is not a fact; it is an opinion.	(1)(A) Defendant's friend has unreliable memory. Joint Exhibit Part C at 202:2-9 (Decl. of Def.'s Friend).  (1)(B) Defendant has no moving violations on her official driving record. Joint Exhibit Part B at 179 (DMV record).  (2) While Defendant's mother has not seen her drive in two years, she remembers Defendant's driving abilities. Joint Exhibit Part B at 116:15 (Dep. of Def.'s Mother)
...	...	...	...	...	...

Please see the appendix for a demonstrative aid for more information.

**13. *Ex Parte* Applications.** *Ex parte* applications are considered on the papers, and applicants need not set them for hearing. Counsel are advised that this Court allows *ex parte* applications solely for extraordinary relief. Sanctions may be imposed for the misuse of *ex parte* applications. *See In re Intermagnetics Am., Inc.*, 101 B.R. 191 (Bankr. C.D. Cal. 1989). Counsel also should become familiar with *Mission Power Engineering Co. v. Continental Casualty Co.*, 883 F. Supp. 488 (C.D. Cal. 1995), regarding *ex parte* applications.

1 The Court directs Counsel's attention to L.R. 7-19. The moving party's  
 2 declaration in support of an *ex parte* application shall show compliance with  
 3 L.R. 7-19 and this Order, and it shall include a statement of opposing counsel's  
 4 position. Failure to do so ensures the application will be DENIED. The other  
 5 parties' opposition, or notice of non-opposition (which notice may be provided  
 6 telephonically to the Courtroom Deputy Clerk (951-328-4462)), to an *ex parte*  
 7 application is due 24 hours—*not* the next court day—after the other parties'  
 8 receipt of the *ex parte* application. ***In view of that 24-hour deadline for opposition***  
 9 ***papers, in the absence of a true emergency, the Court takes a dim view of***  
 10 ***applicants who file their ex parte applications on Fridays or on the day before a***  
 11 ***court holiday.*** As with all motion papers, counsel must deliver a Mandatory  
 12 Chambers Copy in accordance with Paragraph 5 above. Counsel will be notified  
 13 by the Courtroom Deputy Clerk of the Court's ruling, or of a hearing time and  
 14 date if the Court determines that a hearing is necessary.

15 **14. Stipulations.** Stipulations extending scheduling dates set by this  
 16 Court are not effective unless and until approved by the Court. Continuances will  
 17 be granted only upon a showing of good cause. ***The assertion that the parties have***  
 18 ***not concluded their discovery efforts does not constitute "good cause." The***  
 19 ***assertion that the parties are not ready for trial does not constitute "good cause."***

20 **15. Communication with Chambers.** Unless requested to do so,  
 21 counsel shall not attempt to contact the Court or its staff by telephone or by any  
 22 other *ex parte* means. Counsel are directed to review the Central District's website  
 23 at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov) for the Local Rules, filing procedures, judges'  
 24 procedures and schedules, calendars, forms, and Pacer access. Counsel may  
 25 contact the Courtroom Deputy Clerk, Irene Vazquez, by telephone at 951-328-4462  
 26 or by email at [irene\\_vazquez@cacd.uscourts.gov](mailto:irene_vazquez@cacd.uscourts.gov) only in the event that counsel  
 27 cannot find the desired information through all available resources.

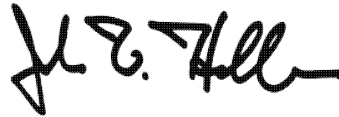
28 ///

1       **16. Telephonic and Video Appearances.** The Court does not conduct  
2 telephonic hearings. Counsel must request a video appearance for a hearing  
3 through the Courtroom Deputy Clerk, by email at  
4 [JWH\\_Chambers@cacd.uscourts.gov](mailto:JWH_Chambers@cacd.uscourts.gov), at least one week before the scheduled  
5 hearing.

6       **17. Bench Trials: Findings and Conclusions.** When parties file  
7 proposed findings of fact and conclusions of law pursuant to Rule 52 and L.R. 52-1  
8 & 52-3, the proposed findings and proposed conclusions shall be *consecutively*  
9 numbered. If, for example, the proposed findings end at paragraph 26, then the  
10 first proposed conclusion shall begin with paragraph 27.

11       **IT IS SO ORDERED.**

12  
13 Dated: May 12, 2022



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John W. Holcomb  
UNITED STATES DISTRICT JUDGE

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**APPENDIX**



# Motions for Summary Judgment

*How citations work*

## BRIEFS



- Motion
- Opposition
- Reply
- Any supplemental briefing



*CITE ONLY TO...*<sup>1</sup>

## THE JOINT STATEMENT OF UNDISPUTED FACTS AND GENUINE DISPUTES

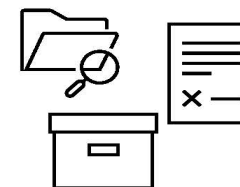
Doc	Page(s)	Relevant info	Significant findings	Significant disputes	Significant facts
1	1-2	1. The Plaintiff's claim is based on the fact that the Defendant's product is defective.	1. The Defendant's product is defective.	1. The Defendant's product is defective.	1. The Defendant's product is defective.
2	3-4	2. The Defendant's product is defective.	2. The Defendant's product is defective.	2. The Defendant's product is defective.	2. The Defendant's product is defective.
3	5-6	3. The Defendant's product is defective.	3. The Defendant's product is defective.	3. The Defendant's product is defective.	3. The Defendant's product is defective.
4	7-8	4. The Defendant's product is defective.	4. The Defendant's product is defective.	4. The Defendant's product is defective.	4. The Defendant's product is defective.

- Single repository of all undisputed or disputed factual statements
- Statements are supported with pin citations to evidence in the Joint Exhibit
- Facts are not compound
- Rebuttals cite counter-evidence in the Joint Exhibit or make evidentiary objections



*CITES ONLY TO...*

## THE JOINT EXHIBIT



- Compendium of all evidence: depositions, affidavits, expert reports, photographs, records, etc.
- Consecutively paginated, even if uploaded as multiple documents

<sup>1</sup> This instruction does not extend to citations to other documents on the docket; e.g., the complaint, motions, past orders, or other briefs.



# Motions for Summary Judgment

*A model process for parties submitting motions for summary judgment*

